

103^D CONGRESS
1ST SESSION

S. 1400

To amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, JUNE 30), 1993

Mr. LAUTENBERG (for himself and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Arming Felons
5 (SAFe) Act”.

1 **SEC. 2. PERMANENT FIREARM PROHIBITION FOR CON-**
2 **VICTED VIOLENT FELONS AND SERIOUS**
3 **DRUG OFFENDERS.**

4 Section 921(a)(20) of title 18, United States Code,
5 is amended—

6 (1) in the first sentence—

7 (A) by inserting “(A)” after “(20)”; and

8 (B) by redesignating subparagraphs (A)
9 and (B) as clauses (i) and (ii), respectively;

10 (2) in the second sentence, by striking “What”
11 and inserting the following:

12 “(B) What”; and

13 (3) by striking the third sentence and inserting
14 the following new subparagraph:

15 “(C)(i) A conviction that has been expunged or set
16 aside, or for which a person has been pardoned or has
17 had civil rights restored, shall not be considered to be a
18 conviction for purposes of this chapter if—

19 “(I) the expungement, setting aside, pardon, or
20 restoration of civil rights applies to a named person;
21 and

22 “(II) the authority that grants the
23 expungement, setting aside, pardon, or restoration of
24 civil rights expressly authorizes the person to ship,
25 transport, receive, and possess firearms and ex-
26 pressly determines that the circumstances regarding

1 the conviction and the person's record and reputa-
 2 tion are such that—

3 “(aa) the person is not likely to act in a
 4 manner that is dangerous to public safety; and

5 “(bb) the granting of the relief is not con-
 6 trary to the public interest.

7 “(ii) Clause (i) shall not apply to a conviction of a
 8 serious drug offense (as defined in section 924(e)(2)(A))
 9 or violent felony (as defined in section 924(e)(2)(B)).”.

10 **SEC. 3. ADMINISTRATIVE RELIEF FROM CERTAIN FIRE-**
 11 **ARMS PROHIBITIONS.**

12 (a) IN GENERAL.—Section 925(c) of title 18, United
 13 States Code, is amended—

14 (1) in the first sentence by inserting “(other
 15 than a natural person)” before “who is prohibited”;

16 (2) by striking the second and third sentences;

17 (3) in the fourth sentence—

18 (A) by inserting “person (other than a nat-
 19 ural person) who is a” before “licensed im-
 20 porter”; and

21 (B) by striking “his” and inserting “the
 22 person's”; and

23 (4) in the fifth sentence, by inserting “(i) the
 24 name of the person, (ii) the disability with respect
 25 to which the relief is granted, and, if the disability

1 was imposed by reason of a criminal conviction of
 2 the person, the crime for which and the court in
 3 which the person was convicted, and (iii)” before
 4 “the reasons therefor”.

5 (b) APPLICABILITY.—The amendments made by sub-
 6 section (a) shall apply to—

7 (1) applications for administrative relief and ac-
 8 tions for judicial review that are pending on the date
 9 of enactment of this Act; and

10 (2) applications for administrative relief filed
 11 and actions for judicial review brought after the date
 12 of enactment of this Act.

13 **SEC. 4. INCREASE IN PENALTIES FOR UNLAWFUL POSSES-**
 14 **SION OF A FIREARM BY A CONVICTED FELON**
 15 **OR OTHER PROHIBITED PERSON.**

16 Section 924(a)(2) of title 18, United States Code, is
 17 amended—

18 (1) by inserting “(A)” before “Whoever”;

19 (2) by striking “(g),”; and

20 (3) by adding at the end the following new sub-
 21 paragraph:

22 “(B) Whoever knowingly violates subsection (g) of
 23 section 922 shall be fined not more than \$20,000, impris-
 24 oned not more than 10 years, or both.”.